

Summary – The Institution of Complaint According to the Administrative Procedure Code

The subject of this rigorous thesis is a special type of complaint, which is a complaint about certain kind of behavior or procedure in public administration. Author of this thesis generally defines the complaint as an individual submission of the complainant intended to achieve a correction of the perceived drawbacks. The element of the individuality differs this type of submission from petitions, for which the shared interest is characteristic. Unlike the petition law the legal regulation of the complaints is very problematic and fragmented. It happens to be a remnant of for a long time unsolved situation, where the complaints were regulated by a controversial governmental decree from 1958, which was issued by unauthorized government and which was intended as provisional only. Despite the subsequent polemics regarding its validity and binding effect was this decree abolished as of 1 January 2006 relatively without any substitute. Until that time the complaints were regulated in a plenty of special acts, but the general regulation was missing. The change was supposed to be brought by the current Administrative Procedure Code, which original government proposal lacked the regulation of the complaints, but in the end it contained this issue through the amendments. Although the very sense of every Code should be to unify the legal regulation, it has not happened in the case of a complaint and the current situation is characterized by its fragmentation throughout the legal system.

The rigorous thesis aims to give a comprehensive explanation of a complaint about inappropriate behavior of the public officers or about a procedure of an administrative authority, with focus on both general and special legislation. Predominant emphasis will be put on general legislation, which will the author subject to critical evaluation and bring the proposal of own solution of potential drawbacks. The main added value of this thesis should be the proposal of own optimal solution method of the receiving and processing of the selected type of the complaint. In order to fulfill the principles of public administration as a public service, the legal regulation should ensure a guarantee of quick and correct receiving and processing of such submissions, which seems problematic already at the mere sight of a brief and fragmented legislation. Particular emphasis will be given when analyzing current legislation and when

considering de lege ferenda to effectiveness and to real possibilities of concerned persons in such cases when public officers or administrative authorities violate their obligations.